

## **PLANNING BOARD**

## **MEETING MINUTES**

**JUNE 22, 2006**

### **MEMBERS PRESENT**

Peg Birney  
Brian Callahan  
Tom Chang  
Thomas J. Knips, Chairman  
Robert LaColla  
Robert J. Rahemba  
Joel Sasser  
David Stenger

### **MEMBERS ABSENT**

Sheila Lahey, Vice Chair

### **OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer  
Christopher J. Colsey, Town Municipal Development Director  
John A. Morabito, Town Planning Consultant  
Scott L. Volkman, Esq., Town Planning Board Attorney  
Amanda Byrne  
Marshall Brenner  
Stuart Markowitz  
Mark J. Fry  
Peter Karis  
Jay Levine  
Richard Rang, P.E.  
Reginald Waters  
Peter Galotti  
Paul Lopezzo  
Paul D. Trefz  
Robert J. Spiak

The meeting was called to order at 7:00 p.m. by Thomas J. Knips, Chairman. Mr. Knips appointed Mr. Sasser to fill in for Mrs. Lahey effective this meeting until September 2006.

### **JUNE 8, 2006 PLANNING BOARD MEETING MINUTES**

Mr. Knips stated the Chair will entertain a motion to adopt the June 8, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mr. Callahan. Motion carried.

Mr. Knips stated that Bedford Hills Estates - Section 2 - Subdivision has been pulled from the agenda this evening.

### **DISCUSSION** **WAL-MART - ROUTE 9**

Ms. Byrne stated that she is the Co-Manager of Wal-Mart and is before the Board this evening to request permission to place eight (8), 40' x 8' temporary storage containers from July 1, 2006 through September 29, 2006 on the north end of the site behind the garden center. Ms. Byrne stated that these temporary storage containers shall be used for store planning and the storage of construction equipment for the remodeling of the store interior.

**FINAL**

**DISCUSSION**  
**WAL-MART - ROUTE 9**  
**(CONTINUED)**

Mr. Colsey stated that Wal-Mart does have a building permit for the remodeling of the store and that Mr. Petrus has been doing inspections and there are no problems at this time.

Mrs. Birney asked if the garden items that are presently stored outside will be moved. Mrs. Byrne stated that the items will be moved inside once the remodeling of the garden center is completed.

Mrs. Birney asked if there are any plans to put some kind of fencing around the trailers. Ms. Byrne stated as far as she knows there are no plans for fencing. Ms. Byrne stated that the trailers will be locked when they are not in use. Ms. Byrne stated that there are three (3) fire doors in the area where the trailers are to be placed so fencing would block the fire exits. Mrs. Birney stated that the statement from Wal-Mart is no building materials will be left outside and will be placed in the storage trailers or inside the building. Ms. Byrne stated yes, that is Wal-Mart's statement.

It was the consensus of the Board that if for some reason the staging area for construction needs to be expanded beyond the trailers that Wal-Mart must come back before the Board for an approval.

Mrs. Birney made a motion that Mr. Colsey prepare and sign a letter authorizing the placement of the temporary trailers to include the a condition that shall state that the staging area will not be expanded beyond the trailer area and that the fire inspector shall inspect the fire exits during this period of activity.

**REVIEW**  
**TOWN BOARD REFERRAL**  
**LOCUST VUE - REZONING**

Mr. Brenner stated that this property had a former hotel on it years ago which was the Locust Vue Hotel. Mr. Brenner stated the hotel building burned down in 1962 and was removed from the property. Mr. Brenner stated that he spoke with the Town Supervisor quite a while ago and that the Senior Affordable Residence came about as a result of his meetings with the Supervisor and the Town Board.

Mr. Andrews stated when a rezoning of a property occurs the rezoning must take place on a site plan that is essentially a preliminary site plan that the Planning Board would approve. Mr. Andrews stated this Rezoning Application was referred to the Planning Board under the provisions of the Senior Citizen District Housing Law.

Mr. Fry stated he is the project manager for this proposed and introduced Mr. Karis, the site engineer for the project and Mr. Markowitz, the architect for the project. Mr. Fry thanked all the town personnel and stated that they have been extremely cooperative with this process. Mr. Fry stated that Mr. Andrews' memorandum dated today which he just received this evening, certainly clarifies some items that they needed clarified.

Mr. Markowitz, presented an aerial drawing indicated the location of the project site. Mr. stated the site is just north of the mine and the campground.

**FINAL**

**REVIEW**  
**TOWN BOARD REFERRAL**  
**LOCUST VUE - REZONING**  
**(CONTINUED)**

Mr. Karis stated that this is a seven acre parcel which slopes from Route 9 toward Rapalje Road and they are proposing to construct 105 one-bedroom units of Senior Housing. Mr. Karis stated that through discussions with Mr. Gromkowski, the Town's Affordable Housing Director, they have committed to 27 affordable units. Mrs. Birney asked what the density bonus is that they are receiving. Mr. Fry stated that are getting a density bonus from 12 density units per acre up to 22 density units per acre. Mr. Fry stated they are going to utilize 15 density units per acre. Mr. Karis stated that they are proposing an offset left-turn lane into the site. Mr. Karis stated that this building is stepped into the hillside two (2) floors and all the resident parking for the project is contained within the building. Mr. Karis stated that there will be visitor parking provided outside the building. Mr. Fry stated that the turning radius in front of the building has been designed for the Loop Bus System. Mr. Karis stated a turn-around has been provided at the end of the site. Mr. Karis stated they believe one entrance to the site will be sufficient rather than a loop road as there are some grading issues on the site. Mr. Karis stated that there will be some retaining walls in the front of the site at 6' high and they are trying to minimize the disturbance on the site by utilizing the building and some retaining walls. Mr. Karis stated that they have provided a small recreation area and some recreation areas inside the building. Mr. Karis stated that you will be able to walk inside the building to the exterior recreation space which will be like a small park that you see in the city. Mr. Karis stated that the recreation areas have not been fully established yet.

Mr. Fry stated their traffic engineer, Mr. Canning was on site about two (2) years ago and that they did design this egress system. Mr. Fry stated that Mr. Canning is going to meet them again on the site on July 11<sup>th</sup> to address Mr. Morabito's concerns.

Mr. Fry stated he spoke with the Mr. Livshin, president of the Dagar Group and manager for the Dutchess Mall site. Mr. Fry stated that Mr. Livshin indicated that in two (2) years the Dutchess Mall site will be fully developed so that this project will be close to shopping.

Mr. Andrews stated a traffic study will need to be completed and some geotechnical studies will need to be completed for this proposal. Mr. Knips stated maybe we can get creative here and realign the entrance to Dutchess Mall, this project and Rapalje Road. Mr. Fry stated that they have had some meetings with some of the residents on Rapalje Road, there are literally six (6) homes there, and currently there are no children. Mr. Fry stated that the rear of the project site is actually zoned R-4A and that they are requesting that the entire site be rezoned to R-4A.

Mr. Sasser asked if the land is fairly steep behind the building. Mr. Andrews stated the entire site is steep. Mr. Fry stated the higher you get on the site the steeper it is. Mr. Fry stated that this building has been designed to meet code as to the 8% slope. Mr. Callahan asked how much material is being removed. Mr. Fry stated approximately 24,000 cubic yards. Mr. Fry stated they will provide a cross section of the site.

**REVIEW**  
**TOWN BOARD REFERRAL**  
**LOCUST VUE - REZONING**  
**(CONTINUED)**

Mrs. Birney asked if the edge of the property has been staked. Mr. Fry stated it was staked but doesn't know if the stakes are still visible. Mr. Fry stated they can stake the property again and would be more than happy to have the Board visit the site. Mr. LaColla asked the distance from Route 9 to the disturbance. Mr. Fry stated approximately 250'. Mr. LaColla asked the provisions in the Town Code for steep slopes. Mr. Andrews stated there are provisions in the code for steep slopes that must be followed. Mr. Andrews stated the Town does require a slope map which is stated in the Town Code. Mr. Fry stated they will provide a cross-section drawing.

Mr. Marino asked how fire apparatus will be handled. Mr. Marino stated that the Rombout Fire District is very insistent on having two (2) means of access to the site and will also need a drivable access to the rear of the building as they will need to get a ladder truck back there. Mr. Marino stated he would recommend that the Town Board have this project put into the Rombout Fire Ladder District. Mr. Fry stated they are happy to meet with the Rombout Fire District to discuss their requirements.

Mr. Knips asked if the Planning Board can refer this to the Rombout Fire District before making comments to the Town Board. Mr. Andrews stated the Planning Board can take this referral and extend it to the Rombout Fire District for their comments.

Mr. LaColla made a motion to refer the Rezoning Application to the Rombout Fire District for their review and comments. Seconded by Mrs. Birney. Motion carried.

Mr. Fry stated this is not a congregate care facility nor will it ever be and it is not designed to be an assisted living project.

Mrs. Birney asked if there will be a walking trail on the site. Mr. Fry stated at this time they do not have a walking trail proposed.

Mr. Morabito stated there are five (5) specific objectives in the Senior Citizen Housing District Law which must be met which are as follows:

- (1) To provide affordable housing for those senior citizens living on fixed or limited incomes in order to give such residents the opportunity to remain in the community close to family and friends.
- (2) To provide appropriate sites for the development of such housing in locations convenient to social and medical facilities, retail shops, public transportation and other necessary services.
- (3) To provide, within the boundary of the development, appropriate social, recreation and other facilities which will contribute to the independence and meaningful activity of senior citizens.
- (4) To provide for the safety and convenience of residents through site design and housing unit design requirements which consider:
  - (a) The special physical constraints and needs of the elderly; and

**FINAL**

**REVIEW**  
**TOWN BOARD REFERRAL**  
**LOCUST VUE - REZONING**  
**(CONTINUED)**

- (b) The physical characteristics of the development site.
- (5) To regulate the nature and density of senior citizen housing developments, their site layout and design, and their relationship to adjoining uses, so as to provide ample outdoor living and open space for residents and to minimize detrimental effects on the surrounding neighborhood and environment.

Mr. Sasser stated that sidewalks along Route 9 would certainly help as the residents could walk to a golf course and to the mall. Mr. Andrews suggested that the Planning Board can handle the sidewalks on this site like they did with the Aveonis project and obtain the necessary easement for future sidewalks.

Mr. Brenner stated that they have spoken to the residents on Rapalje Road and he will be bringing in water and sewer so they will have the potential to connect. Mr. Brenner stated he has tried to incorporate the very best people to prepare this project as he wants a pool inside, weight rooms and he envisions glass in the back of the building so that the residents will be able to see the mountain side. Mr. Brenner stated he did visit some of the apartments at Senior Horizons which appear to be like closets to him. Mr. Brenner stated that his rooms will be larger than those apartments at Senior Horizons. Mr. Brenner stated that they will do what they have to do to make this project a reality. Mr. Fry stated that in terms of the amenities they are going to provide them. Mr. Fry stated they want to have a very fine line of amenities and want to be fully responsive to all of the Board members.

Mr. Morabito stated that he would like to address two (2) of the issues he is incorrect on. Mr. Morabito stated when he looked through the Special Use Permit requirements in the Town Code; he wrongly came to the conclusion that they would need to obtain a Special Use Permit for the material that needs to be removed from the site. Mr. Morabito stated the soil removal is in conjunction with the Site Development Plan approval. Mr. Morabito stated during the process we will need to know the full details of the material being removed as far as the number of truck trips, where the material is going, etc. Mr. Morabito stated he incorrectly summarized that they would only be able to have 6' high retaining walls and they have up to 10' retaining walls in the rear of the building which is allowable by Town Code.

Mr. Andrews stated the Town is going to need more data as this project goes along as a lot of the questions the Board has still need to be addressed.

Mr. Andrews reviewed his memorandum to the Board dated June 22, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Andrews stated based on his and Mr. Morabito's review the Applicant needs to address their comments and come back before the Board as they do not have sufficient information to craft a response back to the Town Board.

**FINAL**

**REVIEW**  
**TOWN BOARD REFERRAL**  
**LOCUST VUE - REZONING**  
**(CONTINUED)**

Mr. Fry stated it appears that Mr. Andrews and the Board want a geotechnical report as soon as possible. Mr. Andrews stated we are asking for a representative sample across the site. Mr. Markowitz stated they have designed this project to sit into the side of the hillside and the parking garages will be inside the building a total of four (4) garages which do not connect and do not have ramps.

Mr. Markowitz stated they know that have a large stretch of building and presented a preliminary elevation drawing to the Board. Mr. Knips stated he applauds the interior parking and asked the ratio of parking spaces per unit. Mr. Markowitz stated it is 1.2 parking spaces per unit for the residents and there are external parking spaces for visitors. Mr. LaColla asked how far the close pointed of the building is to the road. Mr. Fry stated the closest point from the building to the road is 85'.

Mr. Markowitz that this is a condominium project and that the amenities and features put into the project will end up representing costs that the unit owners will have to bear.

Mr. Knips asked what kind of heating is being proposed. Mr. Markowitz stated there will be individual gas fire units and "baxi" heating units. Mr. Knips asked that the applicant consider geothermal heat pumps.

Mr. Brenner thanked the Board for their time and stated he will continue to work with the Town.

Mr. LaColla stated to summarize the Board would like to see a cross section, a steep slope work up, fire access to the rear of the building, a secondary access to the site, a geotechnical report, cut and full calculations and archaeological study before sending comments to the Town Board on this referral. The Board agreed with Mr. LaColla.

Mr. LaColla made a motion that Mr. Colsey prepare a memorandum to the Town Board indicating the items they would like to see as described by Mr. LaColla this evening. Seconded by Mr. Rahemba. Motion carried.

**REVIEW**  
**34 SUNNYSIDE ROAD - SUBDIVISION**

Mr. Andrews reviewed his memorandum to the Board dated June 22, 2006; a copy of this memorandum is attached to the original minutes.

It was the consensus of the Board that the Applicant must obtain Dutchess County Department of Health Approval for this subdivision.

Mr. Morabito reviewed his memorandum to the Board dated June 22, 2006; a copy of this memorandum is attached to the original minutes.

**FINAL**

**REVIEW**  
**34 SUNNYSIDE ROAD - SUBDIVISION**  
**(CONTINUED)**

Mr. Volkman stated regarding the question of ownership on the parcel with the existing shed he will need to take a look at the title report. Mr. Levine stated he will provide the information to Mr. Volkman.

Mr. Stenger asked what type of house is on the property now. Mr. Levine stated it is an 800 S.F. stone house which has been abandoned.

Mrs. Birney made a motion that the Board schedule a public hearing for the July 27, 2006 Planning Board meeting. Seconded by Mr. LaColla. Motion carried.

**REVIEW**  
**VAN WYCK MEWS – SUBDIVISION & SITE DEVELOPMENT PLAN**

Mr. Andrews reviewed the Resolution of Preliminary Approval - Site Development Plan. Mr. Andrews stated the Planning Board needs to evaluate and approve each individual use and the Board can impose conditions which are actually in the local law. Mr. Andrews suggested that the Board add a condition to this resolution indicating that the Board can evaluate each use on the site as it gets established and that language that is in the law be mirrored in such a condition. The Board agreed with Mr. Andrews. Mr. Rang agreed to this modification.

Mr. Andrews suggested that a condition that the Applicant be required to satisfy the comments that were given at their meeting be included in this resolution. Mrs. Birney asked if the comments were given to Mr. Rang. Mr. Andrews stated that red-line drawings which contain his comments were given to Mr. Rang and his representatives at the meeting they had. The Board agreed with Mr. Andrews' suggestion and so did Mr. Rang.

Mr. Andrews suggested a condition regarding the ACOE be included. The Board and Mr. Rang agreed.

Mr. Andrews suggested that a condition regarding the licensing and contract with Central Hudson be included as well as a condition involving the MBM properties. Mr. Rang agreed.

Mr. Rang suggested that the application number be reviewed as it doesn't appear to be correct. Mr. Colsey stated he will review it.

Mr. Andrews suggested that condition number 10 be stricken from this resolution as it deals with final approval. The Board and Mr. Rang agreed.

Mr. Rang stated that the parcel numbers in fourth bullet on the first page be removed as they belong to MBM Companies and are part of the subdivision and not the site development plan.

Mr. Rang suggested that condition number 8 should read "Site Development Plan," not subdivision.

**REVIEW**  
**FINAL**

**VAN WYCK MEWS – SUBDIVISION & SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. LaColla made a motion that the Board adopt the Resolution of Preliminary Approval - Site Development Plan as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mrs. Birney. Motion carried.

Mr. Andrews reviewed the Resolution of Preliminary Approval - Subdivision & Resubdivision.

Mr. Andrews suggested that a condition relative to the properties for MBM Company be added and will provide such language to Mr. Colsey. The Board and Mr. Rang agreed to add this condition.

Mr. Rang stated in the fourth bullet on the first page that the filed map number and the acreage for Lot B must be added. The Board agreed with Mr. Rang.

Mr. Andrews suggested that a “Whereas” be included in this resolution detailing Mr. Volkman’s opinion involving the degree of land locking of the parcel. The Board and Mr. Rang agreed to include this condition.

Mr. Rang stated the maps listed at the end resolution need to be updated as they are incorrect. The Board agreed with Mr. Rang.

Mr. LaColla made motion that the Board adopt the Resolution of Preliminary of Approval - Subdivision and Resubdivision as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mrs. Birney. Motion carried.

**REVIEW**  
**REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION**

Mr. Andrews reviewed the Resolution of Approval - Site Development Plan.

Mr. Andrews stated that a condition needs to be added to this resolution that indicates that the geotechnical report and borings report must be submitted. Mr. Andrews stated conditions involving the disclosure statements from the Negative Declaration need to be added. The Board agreed and Mr. Rang agreed to this modification.

Mr. Andrews stated on page 3 of 6 in the first “Whereas” it should read as the Planning Board finds the site plan “as submitted”. The Board agreed and Mr. Rang agreed to this modification.

Mr. Andrews stated a condition needs to be added to this resolution that details the easements required for grading. The Board agreed and Mr. Rang agreed to this modification.

Mr. Andrews stated that condition number 8 and condition number 11 need to be stricken as they relate to final approval. The Board agreed and Mr. Rang agreed to this modification.

**REVIEW**  
**FINAL**



**REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION**  
**(CONTINUED)**

Mr. Rang suggested that on the fourth bullet item on the first page it should read West Merritt Boulevard. Mr. Rang stated there are 97 one bedroom units and 87 two (2) bedroom units. Mr. Rang indicated on page 2 in the first "Whereas" the word "affordable" be removed and in the fifth "Whereas" the records should be reviewed to check the dates. Mr. Colsey stated he is more than willing to accept Mr. Rang's dates as he could not locate the actual dates in the Town Clerk's files. The Board agreed with Mr. Rang.

Mr. Rang stated the second to last "Whereas" references the ZBA public hearing and the date was March 26, 2006. Mr. Colsey stated he will include this date. The Board agreed with Mr. Rang and Mr. Colsey. Mr. Colsey stated he will work with Mr. Andrews on any specific language that he requires to be added to this resolution.

Mr. LaColla made a motion that the Board adopt the Resolution of Approval - Site Development Plan as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mrs. Birney. Motion carried.

Mr. Andrews reviewed the Resolution of Preliminary Approval - Subdivision. Mr. Andrews suggested that a condition be added to this resolution indicating that the Site Development Plan must be completed prior to the signing of the final plat. The Board and Mr. Rang agreed to this modification.

Mr. Rang stated in the fifth bullet on the first page that the parcel itself is actually 1.93 acres. Mr. Rang stated that the word "affordable" need to be stricken. The Board agreed to this modification. Mr. Rang stated that the Lead Agency acceptance was done on November 9, 2005. The Board agreed to this modification.

Mr. LaColla made a motion that the Board adopt the Resolution of Preliminary Approval - Subdivision as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Callahan. Motion carried.

**REVIEW**  
**MCDONALD'S RESTAURANT**  
**AMENDED SITE DEVELOPMENT PLAN**

Mr. Volkman stated that the Board has a Resolution of Reconsideration before them this evening that hasn't been signed by the Chairman yet, but he wanted everyone to see it before it was signed. Mr. Volkman stated the Resolution of Reconsideration is not to be voted on again as it was voted on at the June 8, 2006 Planning Board meeting. Mr. Volkman indicated that the adoption date of June 8, 2006 must be added to this resolution.

Mr. Knips stated he re-read the sign code and believes that a ZBA Referral may not be necessary. Mr. Colsey stated he did speak to Ms. Gomez, the ZBA Attorney and she indicated that a ZBA Referral is necessary.

**FINAL**

**REVIEW**  
**MCDONALD'S RESTAURANT**  
**AMENDED SITE DEVELOPMENT PLAN**  
**(CONTINUED)**

Mr. LaColla stated probably the worst thing this Board can do is not to require them to go to the ZBA if they need to. Mr. Colsey stated he will obtain an opinion letter for the project file from Ms. Gomez.

Mr. Colsey reviewed the Resolution of Preliminary and Final Approval - Amendment to the Site Development Plan - McDonald's Restaurant at the Dutchess Mall.

Mrs. Birney indicated that she wanted to clarify the signage that is going to the ZBA and that it is in fact the original signage that was proposed to this Board and is not the roof signage. Mr. Spiak stated that the Applicant is applying for a variance to place the sign on the rear of the building that faces Route 9 only. Mr. Spiak stated the second variance they are applying for is for the large "M" in the window.

Mrs. Birney stated site lighting wasn't proposed. Mr. Spiak stated that is correct as they not proposing any changes to the existing site lighting except that they are going to remove the rear spotlights on the building.

Mr. LaColla made a motion that Mr. Colsey prepare a memorandum to the to the ZBA indicating that the Planning Board is gives a positive recommendation to the Applicant to apply for a variance to place the sign on the rear of the building that faces Route 9 only and for the large "M" in the window. Seconded by Mrs. Birney. Motion carried.

Mr. LaColla made a motion that the Board adopt the Resolution of Preliminary and Final Approval as amended during the course of discussion this evening and that the Chairman sign it when it is ready. Seconded by Mr. Rahemba. Motion carried.

**DISCUSSION**  
**ROMBOUT VILLAGE**

This item was deferred by the Board to the July 13, 2006 agenda as the representative for this discussion was not present.

**SITE VISIT**

Mr. Colsey stated he sent a letter to the principals of Extended Stay America regarding the finding of the Planning Board on their site visit. Mr. Colsey stated the letter gives them thirty (30) days to respond to the Planning Board's concerns. Mr. Knips stated that the Board noticed that some of the plantings as shown on the approved site plan were missing. Mr. Knips stated that the plantings around the front of the building looked a little thin compared to the back of the building.

It was the consensus of the Board that additional plantings are required by the front doors and the island in front of the building.

**FINAL**

**SITE VISIT**  
**(CONTINUED)**

It was the consensus of the Board that the planters need to be moved out of the walkway.

Mr. Colsey stated he indicated to Chazen Companies, the engineers for Extended Stay America, that an additional site visit will be performed by the Planning Board.

Mr. Knips stated that the Board will discuss conducting additional site visits within a month or two.

**OTHER ITEMS DISCUSSED**  
**OASIS MINISTRIES - CLEARING & GRADING PERMIT**

Mr. Andrews reviewed his draft letter to the Board regarding the expiration of the Clearing & Grading Permit for Oasis Ministries. Mr. Andrews indicating that the Town Attorney had one correction involving the Planning Board's issuance of the permit as the Building Department are the ones who actually issue the Clearing and Grading Permit. Mr. Andrews stated he is awaiting the actual correction from the Town Attorney's office.

It was the consensus of the Board that the letter be sent as modified.

Mr. LaColla made a motion to close the meeting at 10:15 p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,  
Debbie Davis  
Planning Board Secretary

Attachments to the original minutes